

INDEPENDENT CARE HEALTH PLAN

Department: Legal	Policy Name: Limited English Proficiency Translation and Interpreter Services
Policy Number: LEP-008	Page: 1 of 4
Cross Reference: LEP-110 IDP	

Policy: Independent Care Health Plan (*iCare*) understands and applies the guidelines and requirements of Limited English Proficiency (LEP) and special needs as outlined in the Civil Rights Compliance Plan required by the State of Wisconsin Department of Workforce Development, the Department of Health Services (DHS) and Centers for Medicare and Medicaid Services (CMS). This policy outlines the steps *iCare* enforces to ensure current and prospective members with Limited English Proficiency or who require an interpreter or other type of assistance with special communication needs are appropriately served. The Member Advocate/Member Rights Specialist serves as the LEP Coordinator.

Individuals with special communication needs are defined as those with:

- 1) Hearing disabilities or deafness
- 2) Sight or vision disabilities
- 3) Low literacy or reading level
- 4) Developmental or learning disabilities
- 5) Non-English speaking
- 6) Diverse cultural and ethnic backgrounds

Process:

- 1) New *iCare* employees receive training on the LEP policy. Current employees receive refresher LEP training every three (3) years. All LEP training is done through the *iCare* Learning Portal via Relias.
- 2) At *iCare*, the Equal Opportunity and LEP policy statement is permanently posted on the website and in the reception area where both current and prospective members and applicants may review it.
- 3) The Customer Service call center menu messages and after-hours answering service provide information on TTY relay services or transfers calls to multilingual staff as appropriate.
- 4) Independent Care must provide language access services (including interpreters, sign language, auxiliary aids and services) free of charge for members as necessary to ensure availability of effective communication regarding treatment, medical history or health education and/or any other needs. These services are available twenty-four (24) hours a day, seven (7) days a week.
- 5) Independent Care has some bilingual staff employed within the organization. “Bilingual” staff are those that are fluent in two languages and able to conduct agency business in either language.
- 6) “Interpretation” means facilitating oral dialogue or sign-language communication between parties using different languages. Interpretation involves immediate communication of

Effective Date: 7/1/2006	Responsible Department: Legal
Revision Number: 10	Last Review Date: September, 2020
Sourced From: CO-008	Version Sourced From: 8
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meaning from one language to another. “Translation” means the form of communication between two different languages in a written format. “Auxiliary Aids & Services” includes qualified interpreters, qualified readers, note takers, telephone handset amplifiers, telecommunications devices, audio recordings, large print or Braille materials, or other effective methods of making materials available to individuals with hearing or visual impairments.

- 7) Independent Care contracts with third party entities to provide the above-mentioned services when appropriate. Independent Care requires that all such vendors warrant and represent that any and all individuals providing services under the interpretation, translation and/or auxiliary aids and services agreement have, and will maintain for the duration of the agreement, a certification of proficiency for the language in which they are providing services. Certification of the written and/or oral examination must be granted from a nationally recognized accrediting body such as the National Certification for Medical Interpreters, American Translators Association, Language Solutions, or from an organization with a similar certification authority to attest to fluency, proficiency, competency with regard to medical and industry terminology. Vendors must agree to provide documentation with respect to individuals rendering services under the agreement. The vendor or provider must agree to provide documentation to *iCare* regarding certification status and information on any individual’s education, certification or re-certification upon *iCare*’s request. The provider or vendor must promptly notify *iCare* of any changes in said individual’s certifications or accreditations.
- 8) New member orientation and outreach materials include the Member Handbook, which is available in alternate formats upon request (i.e. relevant language translations, large print, on tape, Braille). Members will be asked if they will be utilizing a family member over the age of 18 for their translation services. If they choose to use a family member over the age of 18, they will be asked to sign a waiver acknowledging that this practice could result in a breach of confidentiality and s/he will not hold *iCare* responsible for any inaccurate translation or miscommunication. This waiver is to be renewed and signed at a minimum of every six (6) months.
- 9) Independent Care provides for the translation of vital documents for each eligible LEP group that constitutes at least 5% (5%-Medicare) or 1,000 individuals, whichever is less in the service area. Vital documents are paper or electronic documents that contain information that is critical for accessing the covered benefits and services or as required by law and include but are not limited to:
 - a) Applications, Consent Forms, and any other form that must be signed by the member or as required in order to obtain benefits;

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- b) Member Handbooks and other materials that contain eligibility or participation criteria such as rights and responsibilities and advise of free language access;
 - c) Notices pertaining to the approval, reduction, denial, or termination of services or benefits;
 - d) Notices that inform members of any change in benefits;
 - e) Notices that require a response from the member or contain medical discharge information;
 - f) Any document containing technical, medical or treatment information.
- 10) Independent Care includes the CMS Multi-Language insert with its Annual Notice of Coverage, Summary of Benefits, and Evidence of Coverage documents provided to Medicare beneficiaries.
- 11) The LEP coordinator maintains a list of translated materials located on LEP tab on the *iCare* intranet. The list includes both required vital documents and other documents that care management and customer service staff find helpful in communicating with limited English-speaking members. Upon member request, *iCare* staff shall review said list to see if there is a document available that meets member's needs.
- 12) Independent Care provides informational materials, postings, and audio-visual materials in languages understood by members and in formats that are understandable to persons with visual and/or hearing impairments. If electronic information is used exclusively, text to voice and voice to text software is available to obtain for persons with sensory or physical disabilities upon request.
- 13) Information referencing the discrimination complaint resolution procedure at *iCare* is publicly posted in the Member Handbook in languages understood by members and is in a format(s) accessible to persons with visual or hearing impairments.
- 14) The LEP Coordinator is responsible for providing, monitoring and evaluating language access sensitivity and training needs for providers and staff. When the LEP Coordinator identifies an employee or area in need of increased education, sensitivity, or training this information is reported to the Compliance Committee where a strategy for corrective action is developed and implemented.
- 15) The Credentialing Department evaluates the credentials of the oral interpreter and written translator vendors and providers prior to contracting and every three (3) years thereafter to ensure the quality of services provided is established and maintained.
- 16) The records and documentation of *iCare*'s LEP service delivery and employment practices are made available to State and Federal government staff upon request.

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- 17) Independent Care complies with all DHS guidance and documentation interpreting 42 CFR § 438.10, as well as all CMS guidance and documentation interpreting Section 1557 of the Affordable Care Act, including, but not limited to:
- a) The incorporation of member notice verbiage,
 - b) Taglines, and
 - c) Font and font size requirements.

Responsible Department: Legal

Responsible Party: LEP Coordinator

Reviewing Department(s): Legal

References: 29 CFR § 37.35 and 45 CFR § 80.3 and 45 CFR §§ 92.201 and 92.202; Civil Rights Act of 1964 Title VI and VII; Medicare Marketing Guidelines 30.1, 30.3; Executive Order 13166; BadgerCare Plus and Medicaid SSI HMO Contract; Family Care Partnership Contract

Recommended Distribution: All staff via Independent Care’s SharePoint Site

Approvals:

Approved By: Sarah Anderson	Member Advocate / Member Rights Specialist	Date: 9/4/2020 3:24 PM
Comments:		
Approved By: Liz Bartlett	VP & General Counsel	Date: 9/4/2020 4:02 PM
Comments:		
Approved By: Tom Lutzow	President & CEO	Date: 10/16/2020 7:59 AM
Comments:		

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